

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

COPAR PUMICE COMPANY, INC.,

Plaintiff,

vs.

No. CIV 07-0079 JB/ACT

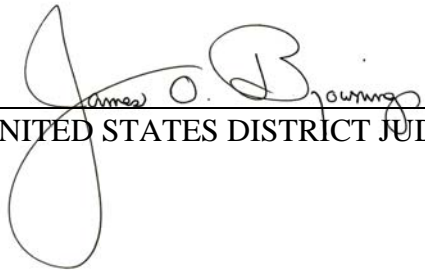
ALLAN MORRIS, in his individual capacity,
DAVID YANTOS, in his individual capacity,
MARY UHL, in her individual capacity,
DEBRA MCELROY, in her individual capacity,
and RON CURRY, in his individual capacity as
Secretary of the New Mexico Environment
Department,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on: (i) the Defendants' Motion and Memorandum Pursuant to Rule 60(a) to Correct Final Judgment, filed July 16, 2010 (Doc. 189)("Motion"), requesting the Court to indicate whether it made a clerical error when it included Defendant Ron Curry's name in the Final Judgment, filed October 27, 2010 (Doc. 159), as one of the parties liable for damages for violating Plaintiff Copar Pumice, Inc.'s constitutional rights; (ii) the Court's Memorandum Opinion and Order, filed October 25, 2010 (Doc. 200)("MOO"), stating that, "were the United States Court of Appeals for the Tenth Circuit to grant the Court leave to do so, the Court would correct the clerical error in its Final Judgment by striking Curry's name" from the final judgment; and (iii) the Tenth Circuit's Order in Copar Pumice, Inc. v. Morris, No. 09-2296, remanding the case to the Court for the limited purpose of the Court's ruling on the Motion. For the reasons stated in its MOO, the Court grants the Motion and will file an amended final judgment striking Curry's name from the final judgment.

IT IS ORDERED the Defendant's Motion Pursuant to Rule 60(a) to Correct Final Judgment, filed July 16, 2010 (Doc. 189), is granted.



UNITED STATES DISTRICT JUDGE

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